

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DOROTHY AND LAWRENCE DUNNING

PLAINTIFFS

V.

CIVIL ACTION NO. 1:14cv123-KS-MTP

**STATE OF MINNESOTA AND HENNEPIN
COUNTY HUMAN SERVICES AND HEALTH
DEPARTMENT**

DEFENDANTS

**ORDER OF DISMISSAL AS TO THE DEFENDANTS STATE OF MINNESOTA AND
HENNEPIN COUNTY HUMAN SERVICES AND HEALTH DEPARTMENT**

This matter is before the Court, *sua sponte*, for consideration of dismissal. On April 22, 2015, the Court noted that the Plaintiffs had failed to effect service of process on the Defendants State of Minnesota (the “State”) and Hennepin County Human Services and Health Department (the “County”) of Minnesota within 120 days of the filing of the Complaint. The Court thus provided notice to the Plaintiffs of its intention to dismiss their claims against the State and the County pursuant to Federal Rule of Civil Procedure 4(m) unless they showed “good cause for their failure to effectively serve these Defendants with process within 120 days of the filing of the Complaint.” (Op. & Order [13] at pp. 6-7.) Plaintiffs were ordered to file a written statement showing good cause by May 13, 2015. That date has come and gone without any filing by the Plaintiffs. Plaintiffs’ claims against the County and the State are due to be dismissed in accordance with Rule 4(m) as a result.

IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiffs’ claims against the Defendants State of Minnesota and Hennepin County Human Services and Health Department are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m). A separate final judgment will be entered in accordance with Rule 58

of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED AND ADJUDGED that the Clerk of Court is directed to mail a copy of this Order and the accompanying final judgment to the Plaintiffs at their last known address.

SO ORDERED AND ADJUDGED this the 20th day of May, 2015.

s/Keth Starrett
UNITED STATES DISTRICT JUDGE